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12 *Counsel for Individual and Representative
 13 Plaintiffs and the Proposed Class*

14
 15 **UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

17 J. DOE 1, et al.,

18 Individual and Representative Plaintiffs,

19 v.

20 GITHUB, INC., et al.,

21 Defendants.

Case No. 4:22-cv-06823-JST

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
 CONSOLIDATION AND
 SCHEDULING**

22 J. DOE 3, et al.,

23 Individual and Representative Plaintiffs,

24 v.

25 GITHUB, INC., et al.,

26 Defendants.

Related Case No. 4:22-cv-07074-JST

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
 CONSOLIDATION AND
 SCHEDULING**

1 WHEREAS, on November 3, 2022, Plaintiffs Doe 1 and Doe 2 (the “*Doe 1 Plaintiffs*”)
2 filed a Complaint (ECF No. 1) against Defendants GitHub, Inc.; Microsoft Corporation;
3 OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI
4 Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC¹ in *Doe 1, et al. v. GitHub, Inc., et al.*, No. 4:22-cv-06823-KAW (N.D. Cal.) (the “*Doe 1 Action*”);

5 WHEREAS, on November 10, 2022, Plaintiffs Doe 3 and Doe 4 (the “*Doe 3 Plaintiffs*”)²
6 filed a Complaint (ECF No. 1) against Defendants in *Doe 3, et al. v. GitHub, Inc., et al.*, No.
7 3:2022cv07074-LB (N.D. Cal.) (the “*Doe 3 Action*”);

8 WHEREAS, on November 15, 2022, Plaintiffs filed an Administrative Motion to
9 Consider Whether Cases Should Be Related regarding the *Doe 1 Action* and the *Doe 3 Action*
10 (ECF No. 15) (“Motion to Relate”);

11 WHEREAS, the Court has granted Plaintiffs’ Motion to Relate;

12 WHEREAS, the *Doe 1 Action* and the *Doe 3 Action* have been served;

13 WHEREAS, the parties named as Defendants in the *Doe 1 Action* and the *Doe 3 Action*
14 have not filed answers nor otherwise responded to the complaints in those actions;

15 WHEREAS, Civil Local Rule 6-1 permits the parties to “stipulate in writing, without a
16 Court order, to extend the time within which to answer or otherwise respond to the complaint”
17 so long as “the change will not alter the date of any event or any deadline already fixed by Court
18 order”;

19 WHEREAS, the parties have conferred and agreed that the *Doe 1 Action* and the *Doe 3*
20 Action shall be consolidated for purposes of discovery and motion practice, and that the *Doe 3*
21 complaint shall be the operative complaint such that Defendants shall only be required to answer
22 or otherwise respond to the complaint in the *Doe 3 Action* (the “Complaint”);

23 ¹ GitHub, Inc. is referred to as “GitHub.” Microsoft Corporation is referred to as “Microsoft.”
24 OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI
25 Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are referred to collectively
26 herein as “OpenAI.” Collectively, GitHub, Inc., Microsoft Corporation, OpenAI, Inc.; OpenAI,
27 L.P.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and
OpenAI Startup Fund Management, LLC are referred to herein as “Defendants.”

28 ² Collectively, Does 1–4 are referred to herein as “Plaintiffs.”

1 WHEREAS, in light of a prior extension, Defendants' response to the Complaint in the
2 *Doe 3* Action is currently due January 4, 2023;

3 WHEREAS, the parties have conferred and agreed to a further extension of the deadline
4 for Defendants to move or otherwise respond to the Complaint as well as Plaintiffs' response and
5 Defendants' replies to any such motion;

6 WHEREAS, an extension of the deadline to respond to the Complaint will not alter the
7 date of any event or deadline already fixed by Court order; and

8 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses.

9 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate and agree
10 that, subject to the approval of the Court:

11 1. The *Doe 1* Action and the *Doe 3* Action shall be consolidated for purposes of all
12 discovery and motion practice;

13 2. The Complaint in the *Doe 3* Action shall be deemed the operative Complaint;

14 3. Defendants' deadline to respond to the operative Complaint shall be extended to
15 January 26, 2023;

16 4. Plaintiffs' oppositions to any motion(s) filed by Defendants in response to the
17 Complaint shall be due on March 9, 2023; and

18 5. Defendants' replies to any such motions shall be due on April 6, 2023.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20
21 Dated: December 20, 2022


22 Honorable Jon S. Tigar
United States Judge

1 Dated: December 15, 2022

2 By: /s/ Joseph R. Saveri
3 Joseph R. Saveri

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19 *Counsel for Plaintiffs and the Proposed Class*

1 Dated: December 15, 2022

2 By: /s/ Annette L. Hurst
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13 *Counsel for GitHub, Inc. and Microsoft Corporation*

14 Dated: December 15, 2022

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26 Startup Fund I, L.P.; and OpenAI Startup Fund
27 Management, LLC*